

# **GUIDANCE FOR LEAS REGARDING DURABLE MEDICAL EQUIPMENT (DME)**

Memo from 12\_6\_13



## **DME AND YOU**

- Cuts in funding and Medicaid budget issues have lead to increased requests to your related service providers by parents and community-based case managers to write letters of medical necessity (LMN)
- LMNs are required to justify the purchase of equipment used at school, at home or both (e.g. mobility and positioning devices, ramps, adaptive equipment for hygiene and daily living, augmentative communication devices, and assistive technology)
- Related service providers must assess the student, investigate equipment options, visit and assess all locations where the equipment will be used, and coordinate a meeting with the family and vendor to discuss and select specific equipment



## DME AND YOU

It is important that each LEA review what is required to assess and provide these letters.

To avoid misunderstanding it is critical to:

- communicate the roles and responsibilities of each person
- confirm ownership of the equipment
- establish responsibilities for maintenance of the equipment



## DME AND YOU

- Collaboration among the LEA/charter school Exceptional Children Program Director, related service providers and school board attorney to develop a local policy delineating roles and responsibilities of LEA staff regarding letters of medical necessity
- The local policy should outline the position of the LEA as to responsibilities for both personal and school equipment related to:
  - Allowable instances for writing letters of medical necessity
  - Equipment ownership and use (DME used at school only, DME that moves between home & school, DME used at home only, etc.)
  - Therapists' ability to visit homes to assess for DME, deliver DME and follow up on DME
  - Scope of LEA responsibility for DME training, monitoring, and repair
  - Loaning LEA-owned equipment to the student, to ensure FAPE is provided (e.g. for use at home over weekends, holidays or summer break)



## DME AND YOU

LEAs may want to develop procedures and/or documentation processes to:

- Outline respective responsibilities of the school and the family for the maintenance and repair of DME when purchased, with assistance from a related service provider:
  - by the school
  - by the family purchase, public insurance (e.g. Medicaid) or private insurance
- establish parameters for loans over weekends/summer
- define 'working condition' clearly
- document training for DME use, precautions and safety, as well as any monitoring or follow-up that is required



## ADAPTED PHYSICAL EDUCATION: FAQ

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## **SPECIAL EDUCATION: COMMON CORE CURRICULUM**

### **ADAPTED PE : HEALTHFUL LIVING/ PE CURRICULUM**

#### **APE: Q&A**

##### **1. What is Adapted Physical Education?**

- Adapted Physical Education (also called specially designed instruction in physical education) is a direct educational service uniquely designed and documented in a student's Individual Education Program (IEP) to meet his/her needs in physical education.
- Adapted Physical Education (APE) is not a related service.
- It is special education to ensure access to and progress through the Healthful Living Essential Standards.

## APE: Q&A

### 2. What is the goal of APE?

- The primary goal of APE is to provide individualized physical education in a setting that will promote student progress:
  - through the Healthful Living Essential Standards for Physical Education
  - in motor and functional skill development,
  - in safety and full participation
- The APE program in every LEA works to ensure students with disabilities can participate in athletics, physical and leisure activities at school and in their community.



## APE: Q&A

### 3. What is the difference between Adapted Physical Education, Physical Therapy (PT), and Occupational Therapy (OT)? They look the same.

Adapted Physical Education, Physical Therapy and Occupational Therapy all work to support and improve how a student moves but they are not the same. They may work on the same skill but approach it with different expertise.

- Adapted Physical Education is the Healthful Living Essential Standards/ PE curriculum taught and through specialized instruction for the skills required for the PE curriculum.
- APE modifies the game and adapts sport activities so that the student can experience appropriate challenges and subsequent success.
- Adapted Physical Educators work for student progress in physical education by improving:
  - manipulating objects
  - participation
  - fitness
  - motor skills



## APE: Q&A

### 4. What is the policy in NC regarding APE?

*NC Policies Governing Services for Students with Disabilities state (NC 1500-2.1) that:*

(a) Children with disabilities shall have equal access to the provision of physical education. Physical education includes the development of:

- Physical and motor fitness;
- Fundamental motor skills and patterns; and
- Skills in individual and group games, sports, and activities (including intramural and life-time sports).

(b) If a child with a disability cannot participate in the regular physical education program, individualized instruction in physical education designed to meet the unique needs of the child shall be provided.

Physical education may include:

- Modified physical education,
- Adapted/special physical education,
- Movement education, and
- Motor development.

(c) Modified physical education is appropriate for a child who can participate in the general physical education program with accommodations or modifications. These modifications can include changing rules, equipment, time limits, etc. It can also include supports such as a sign language interpreter.

(d) Adapted physical education (also called specially designed or special physical education) is instruction in physical education that is designed on an individual basis specifically to meet the needs of a child with a disability.

(Authority: 20 U.S.C. 1401; 34 CFR 300.39(2)(3))



## APE: Q&A

### 5. How does a student receive APE?

*Evaluation-* As a part of comprehensive evaluation for eligibility for Special Education and Related Services, the need for APE is determined individually for each student by the IEP team.

In order to understand a student's need for APE, s/he should be provided the opportunity to participate in the general physical education program. Then information regarding performance and participation in PE can be collected and provided to the IEP team.

The need for specially designed instruction for PE or APE is determined by the IEP Team based on student data and evaluation. These data should provide the IEP team information about student strengths and needs associated with participating in and progressing through NC Healthful Living Essential Standard-Physical Education, (<http://www.ncpublicschools.org/docs/acre/standards/new-standards/healthful-living/khs.pdf>).



# APE: Q&A

## 5. How does a student receive APE? Continued...

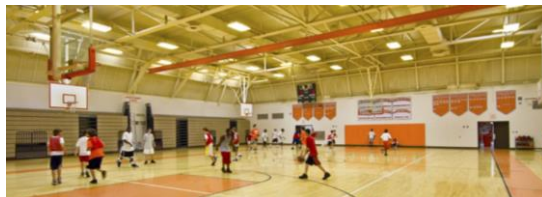
Best practice dictates that an adapted physical education specialist should conduct the evaluation to assess for strengths and needs in PE. In the case that the local education agency (LEA) does not have an adapted physical education specialist, the general education physical education teacher collaborates with a special education teacher, occupational therapist and/or physical therapist to provide the IEP team with the student data and information required.

A listing of frequently used assessments can be found on the NC DPI APE webpage: <http://ec.ncpublicschools.gov/instructional-resources/adapted-physical-education> Additional resources are available from the North Carolina Adapted Physical Education Advisory Council ([www.nc-ape.com](http://www.nc-ape.com)).



## Guiding Questions for Student Data

- What are this student's strengths in PE?
- What are this student's needs in PE?
- Can this student participate in PE with non-disabled peers? Have they had an opportunity to do so?
- Can PE instruction be differentiated so s/he can participate?
- In order for this student to participate in and learn the PE curriculum, do we have to design PE instruction just for him/her?
- Types of data:
  - standardized assessment
  - observations of student
  - objective measures
  - parent input
  - summary of student performance in physical education



## APE: Q&A

### 5. How does a student receive APE? Continued...

*IEP Development-* If the IEP team determines APE is necessary, a specially designed physical education program is developed and provided by general PE teachers (consulting with special education teachers and related service providers as needed) and/or adapted physical educators.

The IEP team must:

- discuss and establish student goal(s) in the area of physical education,
- identify required supports and service delivery (location, frequency and duration),
- how student progress in this curricular area will be monitored.

### 6. Can APE be the only service provided in an IEP?

Yes.

## AREAS TO CONSIDER FOR APE GOALS: FITNESS, MOTOR SKILLS, PARTICIPATION

- To develop and improve cardio- endurance
- To develop eye-hand; eye-foot coordination
- To increase time on task in Physical Education
- To develop functional competence in locomotor and object control skills
- To improve social interaction with peers





## APE: Q&A

### 7. Who can provide APE?

- NC DPI recommends that anyone leading a PE or APE class hold a current NC license in Physical Education.
- Best practice is to employ an adapted physical educator with CAPE certification to plan and implement your APE program
- Every LEA should hire the most qualified teacher to conduct PE classes in order to ensure all students progress successfully through the Healthful Living/PE curriculum. This is even more critical in PE classes, as teachers must address safety and health considerations in addition to academic concerns.



## APE: Q&A

### 10. What do we do if we do not have an APE Specialist? Do we still have to provide APE? How do we do that?

- Yes, APE must be provided if the IEP team determines the need.
- It is recommended that an adapted physical education specialist be included in the IEP team to assist in developing student goals in this area.
- If an adapted physical education specialist is not available, the general education physical educator should collaborate with the special education teacher, occupational therapist, physical therapist, behavior specialist and/or other appropriate IEP team member to develop student goals.
- Student goal(s) must be developed, monitored and reported on by personnel who are knowledgeable in NC Healthful Living/PE Essential Standards.
- Collaboration between EC and PE staff takes place throughout referral, evaluation, goal development, service delivery and progress monitoring of the student's performance.



# NO APE SPECIALIST???



Providing Adapted PE when your county does not have an APE Specialist can be challenging:

- Encourage PE staff to update knowledge of disabilities and teaching strategies
- Collaborate with other service providers (NC State Adapted PE Council, OT, PT, EC Teachers, Parents, Administrators)
- Explore and use community resources (colleges, universities, recreation programs, sports programs for the disabled).



## RESOURCES FOR PROVIDING APE

- Access resources through the DPI APE website:  
<http://ec.ncpublicschools.gov/instructional-resources/adapted-physical-education> and  
 the NC-APE-AC website: [www.nc-ape.com](http://www.nc-ape.com)
- Contact Laurie Ray or North Carolina Adapted Physical Education Advisory Council

**ADAPTED PHYSICAL EDUCATION**



**ADVISORY COUNCIL**



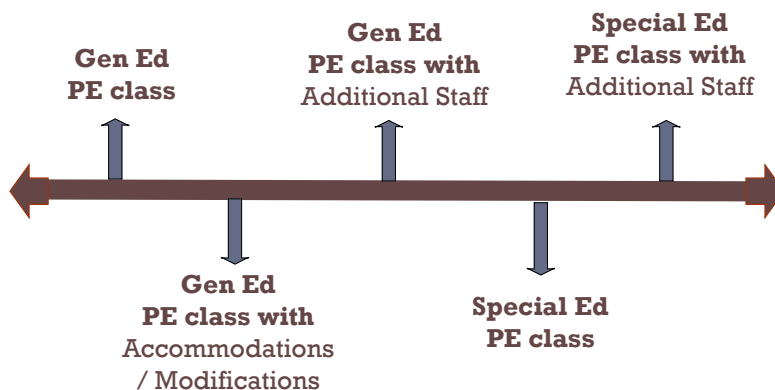
# APE: Q&A

## 8. How and where is APE provided to students?

- APE, like all special education, is offered in the student's least restrictive environment (LRE). This means students with disabilities must be included to the maximum extent possible in the general physical education program with peers without disabilities.
- The setting and/or type of service is based upon each student's abilities, strengths and needs. These decisions are made by the IEP team after considering all the collected data and assessing the strengths and weaknesses of the student



## Continuum of Possibilities for APE services



## APE: Q&A

### **9. Is it possible to be placed in APE and later moved into a regular classroom or vice versa?**

Yes, just as with any other curricular area, ongoing assessments and re-evaluations will continue to be reviewed, at least annually, to determine placement.



## APE: Q&A

### **11. What does it mean when I check yes to the question: “Does this student require specially designed instruction in PE or APE?” on the DEC 4?**

- If yes is checked, it means that the student is to be provided specially designed instruction to address the individualized needs in order for that student to participate in physical education.
- The team has to determine how the disability affects the student’s participation in physical education and how the disability impedes the student’s learning to the extent that they require specially designed instruction.



## DOCUMENTING APE SERVICES ON THE IEP



### Checking yes means:

1. The IEP team has been provided sufficient data to determine whether the student requires APE
2. The IEP team has determined the student requires APE
3. The student's present level of academic and functional performance has been developed
4. There are goals developed by the IEP team including someone knowledgeable in the PE curriculum
5. The least restrictive environment for this student to learn the PE curriculum has been discussed, determined from the student's data and documented on the IEP
6. The IEP indicates how student progress on the goal will be reported



## APE: Q&A

### 12. When do we include APE on the IEP?

APE is included in the IEP, when the student's disability impedes the student's learning to the extent that they require specially designed instruction in physical education.



## APE: Q&A

### **13. Are we required to provide APE to students placed at home? How do we do that?**

- When an IEP team determines that a student must receive services in a homebound status and the previous IEP documented APE services, the APE specialist or PE teacher works with the IEP team to determine what PE should be provided to the student while s/he is homebound.
- This should be individualized and based on the health status and motor abilities of the student. Often students on homebound status have many health issues and cannot participate in PE for medical reasons.



## APE: Q&A

### **14. If all the students in a public separate school or self-contained class receive the same PE, does it have to be documented on the IEP?**

- Yes. The IEP must document the special education and related services, supplemental aids and services to be provided to the student or on the behalf of the student.
- The fact that those services may also be considered “best practices” or “part of the district’s regular education program” does not preclude those services from meeting the definition of special education or related services and being included in the student’s IEP.



## APE: Q&A

### 15. How do IEP teams determine need for APE during the preschool to kindergarten transition (the student has not participated in a PE class)?

- As a part of comprehensive evaluation for eligibility for Special Education and Related Services, the need for APE is determined individually for each student by the IEP team.
- If physical education is an area of concern identified in the referral, the IEP team would need to collect data in this area: from activities where the child participates (both in and out of school) and assessments.
- During this transition, there are many areas requiring determinations while student has not yet participated in class, school routines and other aspects of the school day. Teams must use available data to develop an IEP that addresses all areas of concern for the student.
- It may be that some IEPs will require adjustments once the student is regularly participating in the preschool program.



**Thank you for your kind attention!**

**Contact information:**

NC-APE-AC=please see map for your regional contact

[www.nc-ape.com](http://www.nc-ape.com)

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<http://ec.ncpublicschools.gov/instructional-resources/adapted-physical-education>

